

Interview with the Honourable JANET LANG BOLAND

Transcript

For the Diversifying the Bar: Lawyers Make History Project
Law Society of Upper Canada

Interviewee: Honourable Janet Lang Boland

Interviewer: Allison Kirk-Montgomery

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[Transcript has been edited by Allison Kirk-Montgomery to correct errors, and to remove interruptions, false starts, etc. for improved clarity; submitted for review to Janet Boland by mail, December 2012.]

Allison Kirk-Montgomery:

Today is November the 28, 2012, and my name is Allison Kirk-Montgomery. I'm in Harbour Square [Toronto], overlooking Lake Ontario, in the home of the Honourable Janet Boland, interviewing her for the "Diversifying the Bar: Lawyers make History" project" of the Law Society of Upper Canada. Good afternoon, Janet.

Janet Boland:

Good afternoon, Allison.

Allison Kirk-Montgomery:

And thank you for participating and for inviting me to your home.

Janet Boland:

It's an interesting challenge [both laugh].

Allison Kirk-Montgomery:

That's what's you say about your whole life, and I'm going to ask you about that later. But why don't we beginning at the beginning, and you tell me a little bit about your family and childhood.

Janet Boland:

Well, Allison I was lucky. The stork dropped me in a small city in Ontario known as Kitchener. It was about 40,000 people at that time, and it's much larger now. My mother was Miriam and my father was George. So, it was Miriam and George Lang. My mom was an American, and I had two younger sisters, eventually, Sheila, and Joan, and we had a very warm comfortable sheltered life. We even had a nanny to look after us, and she used to walk me to school until I was about 12, but she would agree to stay behind and hide behind trees, so my friends wouldn't see me. Allison, I went to grade school, and I enjoyed school and I particularly liked art, and I think we were lucky enough to have very good teachers. I went to the same school my father had gone to. I liked to read a lot and I represented the school on the Kitchener library. We spent our summers on the Jersey coast. we were a pretty athletic family. My father was later president of the Royal Canadian Golf Association. He was a scratch golfer, which means, he beat par, and so we all played golf and had golf clubs when we were about 10 years old. We were the only family I ever heard of who played as a fivesome [Allison laughs]. My sisters and I, we were very close, and we took riding lessons. They took skating lessons and dancing lessons but I took elocution, because one day, my father had decided I was going to be a lawyer.

Allison Kirk-Montgomery:

How old were you when he made that decision?

Janet Boland:

Long before I was born [both laugh].

Allison Kirk-Montgomery:

Really? So you grew up thinking that you were going to be a lawyer.

Janet Boland:

Yes, yes.

Allison Kirk-Montgomery:

Knowing it.

Inserted:

Allison Kirk-Montgomery:

Do you think your life would have been different had there been a brother?

Janet Boland:

Yes [laughs], entirely different.

Allison Kirk-Montgomery:

What would you have...

Janet Boland:

I would have taught school [laughs].

Allison Kirk-Montgomery:

Is that what your sisters did?

Janet Boland:

No Sheila, Sheila stayed home with her children. She has four sons and she lives in Mississauga. Joan has also had a life of high adventure. She went to high school in Kitchener, and then she went to Manhattanville College in New York City, and in her second year met her classmate's brother, who was at West Point, married him on graduation, a year later, never finished university, and he was a great student, and they, as a army wife, they travelled the world, she had three children. The first time, I remember, she we were very close. She was in Toronto and I was putting her on the train. He was up in Alaska teaching skiing to the American troops, and she went up, in a fur coat and a green, she was out to here, having a baby, and a green, and a green straw hat, and they travelled all over the world. They lived everywhere, and we would visit them. John and I and the children would visit them. And she lived a great life but, but my father had wanted her to be an architect, but she, she didn't, but she picked up degrees everywhere she went, and New Mexico, she taught school, and then she taught school in Virginia. They live in Virginia. She died just a few weeks ago...

I've been reading all the letters that had been written, from all over the world from her students, and so she was a great teacher and she was different too, a little different. I know that I'm a little different [laughs], than a usual judge, and, a, but she was uh different, different too. She was lot, full, lots of fun and enjoyed life, and, I don't think she looked for trouble, and I don't either [laughs]. It's probably there, but I don't look for it.

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Hon. Janet Lang Boland interview by Allison Kirk-Montgomery

The Law Society of Upper Canada Diversifying the Bar: Lawyers Make History Project

November 28, 2012

Janet Boland:

Allison, when I was 13, I went off to the school my mother and my grandmother and my great-grandmother had gone to in Albany, New York. I spent my holidays with my grandmother in New York so I know New York City pretty well. We went to every possible play. The one I think I remember and liked the best was one called "Hell's A Poppin'." Then at Christmas, my grandmother would have a party for her six grandchildren and it would be at her house, and there would be an orchestra, and so I'd meet all my friends again, and that was fun. And then I got a very good grounding there in logic and Latin, which would, someday, hopefully do me some good. I particularly liked literature and, and history. Once a year there was a contest with about 20 different schools, the Sacred Heart schools, that ran all in the western part of the United States. And I wrote on Byron, and I won the gold medal, which I'll show you.

Allison Kirk-Montgomery:

Isn't that beautiful.

Janet Boland:

And that's one of my real treasures.

Allison Kirk-Montgomery:

Congratulations. What year was that? That was a few years ago, wasn't it?

Janet Boland:

That was 1942, a long time ago. In middle ages, almost [both laugh].

Allison Kirk-Montgomery:

And what was the name of that school, Janet?

Janet Boland:

It was called Kenwood, and it was just outside Albany. It was a huge estate. We used to have fun playing all sorts of games, like—we'd hide. We were divided into two teams, called the red team and the white team. We had tea at 3:00 o'clock in the afternoon and then from then on we played basketball and went swimming or did everything, and, we were lucky enough to go into town, into Albany the city, we always had to have a chaperone. But I enjoyed the school very much. I didn't have any girls so I couldn't send them there.

Allison Kirk-Montgomery:

It was an all girls school. So, then where did you decide from there to go to university?

Janet Boland:

Well, I thought, and my family did too, that I'd been away enough. So, they decided that instead of going to Western University, that I should go to Waterloo College, which was one of the colleges associated with Western and was in Waterloo, very close by. So, that is what I did. It was a small student body. I enjoyed it very much. It was more like Kenwood. It has not too many people, not too competitive, and I was the editor of the newspaper and, eventually, president of the student body. I enjoyed it and made some very good friends there, and I also kept up my Latin. I only had one sort of interesting experience. I failed my French in first year, and finally they let me go on to second year and I failed in second year. And the dean of the school came to me one day and said, "Janet, you know, I'm sorry to have to tell you this, but the French teacher doesn't like Americans. So, do you mind taking German?" So, I said, "No, I'd love to take German." Of course, German, I'd never thought of learning it. I memorized it. My sister, Sheila, helped me. She had been taking it. I got good marks in it. I don't know one word now [Allison laughs], but I passed German and was able to get a university degree.

Allison Kirk-Montgomery:

Your family has German ancestry, doesn't it?

Janet Boland:

Yes, my grandfather, probably his grandfather, came from Berlin. And I think they deliberately came to Kitchener because it was called Berlin at that time.

Allison Kirk-Montgomery:

That's right. Did you feel like a bit of an outsider for, did you feel like you were American?

Janet Boland:

No, no. I loved being half American, but no, no, I've always felt very Canadian. Americans were awfully good to me. They invited me for lunch or holiday, small holidays to their homes and, I still write to them and have friends there. No, and I love my American grandmother, but I'm certainly not, I don't feel I am American.

Allison Kirk-Montgomery:

And what was your grandmother's name?

Janet Boland:

Her name was Julia. Julia Garrity.

Allison Kirk-Montgomery:

Lovely.

Janet Boland:

She was very Irish. The rest of the family were all pretty Irish.

Allison Kirk-Montgomery:

Well, that sounds like a good childhood and youth. Was it?

Janet Boland:

It was, it was exciting, and it was busy, and I enjoyed every minute. I don't ever remember being unhappy. When I was at Kenwood, I remember having pneumonia, and that was before the antibiotics. So, I was in bed for about three months, and my mother kept coming down to see me. That was the only thing that I remember that wasn't just great [chuckles].

Allison Kirk-Montgomery:

And your father was with Lang Tanning. Is that right?

Janet Boland:

Yes, he and his brothers owned Lang Tanning.

Allison Kirk-Montgomery:

And that was in Kitchener or Waterloo?

Janet Boland:

Kitchener, downtown. It's still there, not the tannery, but the building, it's still there. It was a pretty big complex and the name, Lang, is still on the building.

Allison Kirk-Montgomery:

I don't hear very much about law until this part of the story, until we talk about this next part, but, why did your father want you to be a lawyer?

Janet Boland:

Well, my father went to Notre Dame in Indiana. And he took law, American law there, and when his father realized what he was doing, he told my father he had to take business. He did not want him taking law because he wanted him to go into the business. So, my father did and I think he regretted it all his life. But, anyway, he decided, that his son would go to Notre Dame and would be a lawyer. So, he didn't have a son, and, unfortunately I had an older sister. She was just a baby and the nanny had been fired. That afternoon, the nanny took the baby out in the carriage, and deliberately, they got stuck in the railroad track and the baby and the nanny were both killed. And it was terribly difficult on my mom. She was having me at the time. So then, there was no compromise. I had to be the lawyer, and I just took it for granted. I did take the elocution, and I did take Latin. (I don't think you really need it anymore.) But I did, and that's why I didn't take dancing lessons. But I always knew that, one day, I would be going to law school but never thought about it very much.

Allison Kirk-Montgomery:

Did you know lawyers when you were a child?

Janet Boland:

Not really. One of my father's best friends was Mr. Simms, and I worked in his law firm one summer, when I was probably, maybe, about sixteen, and I enjoyed what I was doing but, I wasn't terribly impressed. It didn't get me very excited. I would rather be out riding, or swimming or something [laughs].

Allison Kirk-Montgomery:

Now, the war would have started when you were a teenager. Was it?

Janet Boland:

The Americans came into it in '42 when I was at school. Yes, it had started in 39, really, just when about when I went over to the United States.

Allison Kirk-Montgomery:

So, did that affect your family life in particular?

Janet Boland:

Well, yes, it was very good [laughs] for business, of course, because the tanning company made the boots for the soldiers. But it was a very sad time. My mom did a lot of volunteer work, we knitted socks and sold bonds for the war. And I can remember being in taking a part in a play, and we would go from one army base to another with our play, and write letters to our friends who were overseas. But it was a hard time, but we were not directly affected other than that. We had about three close friends that were killed, but none, none of our direct family.

Allison Kirk-Montgomery:

So, you finished at Waterloo College. Now, what's the next thing?

Janet Boland:

Well, then I think after Waterloo College, it was Osgoode. And I was there from 1947 to 1950. And that was, as you can imagine, a great change too. It was the war, that had been just over, in '47, and the men were coming home, and most of the class was in uniform. It was a big class.

Again, all through university, I had a job as a counselor at the Taylor Statten camps in Algonquin Park, and then I'd stay on for adult camp and wait on table for the adults. So, one day my mother phoned me and said "Janet, you know you're at supposed to be at law school in three days. Will you please come home?" [chuckles] So I did. I didn't know Toronto very well.

I remember going into the classroom. I'm not sure what it is now, maybe the library. It was a huge room, and there was an upstairs to it and every seat was occupied, and I went upstairs and every seat up there was occupied. So I sat on the floor [laughs], and I just was really astonished and I suddenly realized now I was at law school and no more fun and games.

Allison Kirk-Montgomery:

Sounds terrifying.

Janet Boland:

It was! [laughs].

Allison Kirk-Montgomery:

How many people were in the class, about? I forgot to check.

Janet Boland:

There was 500 in that class. I remember distinctly that day, sitting on the floor. Most people couldn't even see me and most of them were in uniform. I can remember, one of the professors told us two things, they told us to read everything. That was the most important thing a lawyer could do. It didn't have to be just law, but to read, read, read. And the other thing they said, and which I had heard it had been said at Harvard before, "Just look at your right, and look at your left, and they'll be gone." So, in other words, they knew that half the class would be gone by the time we reached our third year. And that's what happened.

Allison Kirk-Montgomery:

You resolved that it wouldn't be you?

Janet Boland:

Oh, I think we all did! [laughs]

Allison Kirk-Montgomery:

Probably.

Janet Boland:

Yeah, and it was pretty serious and it was competitive. A couple of the young boys who had given up everything to go to law school, some of them committed suicide. So, it was a tough time.

Allison Kirk-Montgomery:

And when you looked at all these 500 people—may I ask how tall you are, Janet?

Janet Boland:

I'm 5'2."

Allison Kirk-Montgomery:

So, there's a lot of big men in uniform, and there's very few women when you looked around at these 500 people. By my count, in your class, at least of those who graduated, maybe about six women? Would that be right?

Janet Boland:

Yes, that's about right.

Allison Kirk-Montgomery:

Did you spot any? Did you know any before you went in?

Janet Boland:

No. No, I didn't. I didn't know anybody at all. Well, I, knew, there were I think, three or four from, men from Kitchener whom I knew to see but I didn't know anyone very well, But I knew quite a few people in Toronto at that time. I had a lot of cousins there, so that part of it was all right.

Allison Kirk-Montgomery:

Where did you live?

Janet Boland:

I lived in Rosedale with a family my mother was able to arrange for me, and they gave me my breakfast, and I sat at a table by myself with linen and, and good china, and spoiled me and then they brought me a sandwich and a cup of tea at 10:00 o'clock at night when I was studying. They were really good to me.

Allison Kirk-Montgomery:

That would be a comfort, I'm sure.

Janet Boland:

Yeah, it really was. I can remember when I was writing my exams, I found I couldn't sleep at night, I was so nervous. So, the doctor gave me a sleeping pill that [but] I could [not] wake up, so, Mrs. Bosley, who I was living with, would get me up in the morning, run a cold bath, get me into the bath, and out again and I'd be wide awake ready for the exam [laughs]. So, they were special. They really were. I was lucky again.

Allison Kirk-Montgomery:

How was the experience of being in law school?

Janet Boland:

Well, it was it was a very interesting experience. I had met different people I didn't know before, and I was invited to be in a study group with six other male students. Dick Holland was one of them, who later became one of my colleagues in the Supreme Court. He was married and we met at his house every night and he had a darling wife named Nancy, and she would always have tea and lots of sandwiches for us. And we studied together and that was very helpful. I can remember I wasn't too good at accounting, and at the time of the exam, the end came and I still hadn't balanced and along came a lawyer who was supervising us. I said, "I would hate not to know all my life whether I balanced, would you let me have a few minutes?" and he said "Yes, but hurry up" [Allison laughs]. So, all the other people from my study group were peeking in the door to see how I was doing. So they were very supportive and I did balance [laughs] at the end of it all.

Allison Kirk-Montgomery:

What was the reception from all these male students like?

Janet Boland:

It was very good. You could see that they were concerned. Some of them mentioned to me, "Janet, why are you here? You're going to get married and have a family and never practise law." And I said, "Well, I'm here because my father wants me to be, but we'll see what happens." At the end when I was going to get married—I got married in, when I was in my last year at Osgoode.

Allison Kirk-Montgomery:

Forty-nine?

Janet Boland:

Yeah, in 49, and I had no intention of going on really. I was going to be married and do what everyone else did and have children, and that's what I wanted to do. And suddenly, I realized—not at all, not only did I love law, but also I remembered that I was taking two boys' places and I better get on and do something. So I did and I started my own very small practice, on my own. One of the problems at Osgoode that the boys had was their [articling]. I was at that point also in a good law firm. I was with Blake's and there were two women partners.

Allison Kirk-Montgomery:

Who were they?

Janet Boland:

Margaret Grimshaw, and Belva Gibson, and they were took me under their wing. They were good senior partners in a very large firm. And then I met 10 other students there and we would often have dinner.

Allison Kirk-Montgomery:

Is this when you articulated?

Janet Boland:

Yes. We were articling while we were at law school then. The year after I graduated they turned it into a four year [programme]. We went to lectures in the morning and then from afternoon on after lunch, we articulated until 6:00 or 7:00 o'clock at night. It was quite a different routine.

Allison Kirk-Montgomery:

Sounds extensive.

Janet Boland:

Yeah, it was.

Allison Kirk-Montgomery:

Did you learn from it?

Janet Boland:

Yes. Yes, I did. I found they kind of sheltered me a little bit. They didn't really want me sitting in on the divorce cases. So, I really spent a lot of time in real estate, learning how to search titles. One of the students who I was very fond of—whose name is Bill Poole, he's now a very famous lawyer in London, Ontario—taught me how to search titles which was very helpful for the rest of my life. So [both laugh].

Allison Kirk-Montgomery:

What about the other women? I have their names, you probably have them. Were you particular friends with any of them?

Janet Boland:

Well, Pat Cooper was a very good friend of mine. She later came to live with the Bosleys too, and we were good friends. And then, of course, Judy LaMarsh was in my class, and she was a fascinating girl, and very popular, and I certainly knew her. I didn't know her well. She asked me if I would take her to one of our annual meetings, oh, it would probably be—I can't remember when she died, probably in the eighties—I went and picked her up, I told the Chief Justice what I was doing and he told me to take a limo, so I picked up Judy, and I helped her do her dress up the back. I had told her particular friends at Osgoode she was coming and they had a table arranged for her. I sat nearby. I thought she's want to go early. She was really sick. And not at all, we were the last to leave and when I took her home, she invited me in, we had a little glass of sherry and she gave me a hug and that was the end of it. And then she died shortly after that. Oh, she was a very interesting gal and did so well in politics.

Allison Kirk-Montgomery:

Did you feel a sense of collegiality with the other women in the class?

Janet Boland:

Oh, yes. Yes, yeah...

Allison Kirk-Montgomery:

Did you get together?

Janet Boland:

Yes, we would often, particularly four of them, who had been at Toronto University who became good friends of mine. We would have coffee afterwards, and then we'd go to our different law firms. I think when I was married, they were all there, the four of them.

Allison Kirk-Montgomery:

Who were they?

Janet Boland:

They were Mary Roadhouse, and—who've you got there?

Allison Kirk-Montgomery:

I've got Lillian Irwin.

Janet Boland:

Yes.

Allison Kirk-Montgomery:

Ina Greenblatt. Helen McKee and Mary Margaret West.

Janet Boland:

Yes. She was a particularly good friend of mine. Yeah.

Allison Kirk-Montgomery:

What was your social life like at Osgoode? Or, did you have a social life? It sounds like there was an awful lot of work.

Janet Boland:

Well, you had to work especially as you got into the heavier classes. Bora Laskin was a tough teacher, and we had to study hard. I studied all week. I'd go right home and have my dinner where I was staying, and then study right probably until 11, redoing my notes. But on weekends, I had met John at the Taylor Statten camps. He lived in Toronto. So, I spent my weekends with John, and there was someone else at Osgoode that I knew, and so, weekends were fun.

I didn't feel that there were any disadvantages of, I think...

Allison Kirk-Montgomery:

Of being a woman?

Janet Boland:

No, I felt that the eight of us were special, and really quite unique and I think they must have too. I don't really ever remember any complaints from any of them either. I think I think they also felt—you know, I had all those advantages I just mentioned, living in Rosedale with a nice family, being a student at Blakes, that study group and I was given a leave of absence from Blakes from studying and working with them to go and be a counselor in Algonquin. So, I think that any disadvantages, of which I can't really remember any, the advantages far outweighed them. Several of the other women, two of them at least, were, Pat Cooper I know, they were in uniform, and I know that Osgoode met so much to them and to get through, and they were all a little bit more mature than we who had just come from university.

Allison Kirk-Montgomery:

You had a sense of yourself as being a path breaker, perhaps, or being different?

Janet Boland:

Yes. I can remember I was at a party on a weekend and I would meet some man who was maybe a bit older, maybe about 10 or 12 years older, a little older than that. He would look at me and ask me what I was doing and I would tell him that I was at law school. And they would say, "My daughter will never go to law school," which makes me laugh now because I understand their daughters and granddaughters and great granddaughters are taking over a law school [laughs].

Allison Kirk-Montgomery:

What did you say when somebody said that?

Janet Boland:

I just laughed [laughs].

Well, it was different, because I also noticed people were very interested in meeting any of us. There weren't very many of us. Madame Justice Van Camp was a couple of years ahead of me, and there were some other very interesting gals at law school when I were there and I never heard any complaints. They all seemed to all be doing well and fitting in beautifully.

Allison Kirk-Montgomery:

Did you feel that the professors took you seriously?

Janet Boland:

Oh, yes. Yes, yes. We could always go in and ask them questions. Another thing that was interesting about Osgoode, you could always get copies of the other people's exams, so you could go and get copies of the boys' who'd written the best exams, and ask for them and see—writing an essay, like I had at Kenwood and writing an exam at Osgoode was quite different. So, that was sort of different.

Allison Kirk-Montgomery:

And at no time in this period did you think, "Wait a minute. Why am I going to be a lawyer? Do I really want to do this?"

Janet Boland:

No. I think I was marching forward, thinking—I don't think I really, realized—I never thought about what was going to happen. I...

Allison Kirk-Montgomery:

After law school?

Janet Boland:

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Yeah. No, I just thought it would all somehow fall into place [laughs] like the rest of my life [Allison laughs] seemed to be pretty planned...

Allison Kirk-Montgomery:

So far...

Janet Boland:

By others, yeah. So, it would just fall into. But as I was at law school, the more I studied, the more I realized how wonderful that was and how lucky I was to be in a career like that.

Allison Kirk-Montgomery:

What is it that really attracted you, and made you realize you do love law?

Janet Boland:

Well, I guess the more you know about something—when I was in high school, I liked history, because I really dug into it. I really worked at the law. There was a very interesting lawyer at Blakes whose name was Arthur Patillo, and he would invite 10 students into the library and put an issue to us, and we'd go around the table, and ask us each how we would solve that and those would be his real cases. And then afterwards, he'd come back and he'd tell us which ones he had worked with and why they were good and why it had worked in court. So, we did learn things like that too, a ...

Allison Kirk-Montgomery:

Sounds like an amazing articling experience. How did you get that position, by the way?

Janet Boland:

Through [laughs] my father. The Blakes were the lawyers for the Lang tanning company.

As a matter of fact my, it was really through my uncle, but my father had got me a job at another law firm that did labour law and then when my uncle told him about Blakes, he said, "Well, Janet, you better do what your uncle thinks best for you." So, I had to go and apologize [both laugh] to the labour [law firm]. So, I had two jobs and I felt badly about that because law students, some of them, couldn't get any jobs. They weren't looking for students and there were so many of us. But anyway, I had to apologize and the lawyer was fine. Later, I left Blakes and went with Beaton, Belle and Leake. I had a funny experience there. It was probably in my second year law school, and we were all skiing up at Limberlost for the weekend. Our exams were over. I had decided to change law firms, because I wanted a different kind of practice too. I wanted to do more than real estate, and learn to do a little bit about court work, and I wasn't doing that. So, I went to one of my husband's best friends, who was a senior partner at Beaton, Belle and Leake and he thought it would be fine, I could be a student, he had one other student, and they could manage with another one. So he was with us. There must have been about 30 of us, all at law, lawyers and law students, all at the Limberlost skiing, and there was a terrible storm, and they told us we couldn't possibly get home on Sunday. So, I said to Bud Leake, who was John's friend, "I guess we'll have to walk out with our skis." I was starting a new job at Beaton, Belle and Leake on Monday, and he said, "Oh, no Janet, I'm sorry. Mr. Beaton, the senior partner, thinks you're a man, a boy," [both laugh], and he said, "You've got to come!"

So I don't know why it didn't faze me very much. I kind of laughed about it and out we walked with our skis. I was in the office Monday morning and Mr. Beaton didn't blink an eye when he saw me. In fact, we became great friends. We used to putt. He was a golfer too, and we'd putt on his rug. Then he was at my wedding [Allison chuckles].

He was the one who fired Laskin and all his group [from Osgoode Law School]. He had called me in one day and said, "Janet, I want to read something to you." He was the head of the Education Committee at Osgoode, and he read this thing firing these four good professors, and he said, "What do you think of that?", and I said "I'm just shocked." And he said "Don't say anything." So when it came around to being married, who should show up at my wedding—well, Mr. Beaton was invited—Bora Laskin was staying in the hotel. He knew about the wedding, and he came to say hello to the bride, and my mother insisted he stay, he and his wife stay for the wedding, and they were both sitting next to Mr. Beaton [both laugh]. So, again, that was funny.

I just sort of didn't worry about things. It was like that in a criminal trial. Everybody told you that the witness might not arrive, or they might change lawyers or something and you just sort of had to go on, and, and that was the way I guess my life has kind of gone.

Allison Kirk-Montgomery:

You mentioned that you'd wanted to move from real estate into criminal work.

Janet Boland:

Not criminal. Civil. One of the best lawyers in Toronto was a woman. Her name was Margaret...

Allison Kirk-Montgomery:

Hyndman?

Janet Boland:

Yes. Margaret Hyndman, and she was considered one of the very best by *all* lawyers, and I knew her when I joined the women's legal sorority. She did criminal work, but in general, women weren't doing criminal work.

Then when I when I was also doing my own practice, I also reported for the Court of Appeal, and they were very protective. I wore a gown, but I had to wear a hat [laughs] in the Court of Appeal. I sat down below them, and reported for Mr. Harvard, and Jo-...John Honsberger did all the criminal work, and I did all the civil work. And I can remember when I was having my second baby, I went in to tell Mr. Harvey about a week before I was due to have the baby [Allison chuckles], that I was sorry that I would have to leave. And he said, "But Janet, why are you leaving?" [both laugh]. He had *no idea* why I as leaving. So I laughed.

There was one case that I did. It was just before I left, and John Arnup was on one side, and John Bassel was on the other, and it was about a farmer's horse. It should have taken one day, but the King died, I think, or someone died in the royal family in the middle, and it was a holiday so, it went on for three days. So, Mr. Harvey called my husband and told me that it was a case that was going to change the law. Would I please write it, which I wrote in the hospital, and sent it back to Mr. Harvey.

Allison Kirk-Montgomery:

You [Allison laughs] have to describe the hat you wore.

Janet Boland:

Well, I think it was a brown felt hat, or maybe black. It was just a hat, and it was of course so silly in those days. I wore my gown. I wore my gown over my suit, and a hat.

Oh, and that Court of Appeal was tough. When they got tired of listening to the lawyers, they would turn off their earphones. You could hear them click. And one day, they were pretty tough on one particular lawyer, and he was late in the afternoon, and everyone was grumbling about it all, and then they came and announced that the man had committed suicide in the bathroom in Eaton's, and that was the sad thing. I don't know if—they grumbled and grumbled too much.

Allison Kirk-Montgomery:

How long did you do that work?

Janet Boland:

I did it for, I think about two years. I enjoyed it. It was fun writing them, and that was good practice to have to write, I guess, I had no idea I'd ever be in a court, be a judge, or even thought about it. But, it certainly was good practice, and I liked Mr. Harvey, and I really enjoyed the judges and their grumpiness [both laugh].

Allison Kirk-Montgomery:

So, this is about 1952?

Janet Boland:

Fifty-two, yes.

Allison Kirk-Montgomery:

And you set up your own small practice?

Janet Boland:

Yes.

Allison Kirk-Montgomery:

Where was this, in Toronto?

Janet Boland:

It was in Toronto. It was in my house, and I used my husband's secretary. I can remember, the clients would come there, there were a whole lot coming and it was to do with a mortgage that a lot of them had to sign. I can remember, I was having my baby, and my husband said, "Janet, they'll never think you're a lawyer. They don't know any

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Hon. Janet Lang Boland interview by Allison Kirk-Montgomery

The Law Society of Upper Canada Diversifying the Bar: Lawyers Make History Project

November 28, 2012

women lawyers. Let's put all your degrees up around the dining room table." So we did that, and it went off. They were all sitting out on the veranda. I think there were about 15 that had to sign what was a mortgage and I had to get them all to sign a discharge ahead of time, in case I couldn't find them all, and keep it in my trust account.

I got [appointed] my Q.C. from Roy McMurtry a little after that time, and then I was given an honorary degree from Wilfrid Laurier. I don't use the term "doctor," very rarely, but I enjoyed my practice. It built up very quickly, and my husband got me a lot of clients, and I had as many as I could manage. I also did titles for different firms. One of the fun things about that was I later got a job—I was doing the titles for the Bronfman [family], these big properties they were buying around Toronto, and, it was because of that I later got the job at White, Bristol, [and Bronfman was] their client. For John Bassel, I was interviewing a police officer. All I can remember, he was extremely handsome, and I interviewed him, and he was always leading the parades on his motorcycle because he was so handsome. So he and I would wave at each other. One of the lawyers one day that I was doing title search for, I went in and he said, "Janet, would you please go over to the Small Claims, Criminal Court in the City Hall, and get an adjournment for me." And, he said there'd be nothing to it, just ask for an adjournment on a different day. So, I was given a troupe of clients and up we walked, up to the City Hall. Some of them were following me in a Cadillac. I asked him about the case, a little bit before we went. As we walked in, the police officer was sitting there and he said, "What are you doing?" I told him and he said, "Well, tell me about the case," and I told him and he said, "Okay. When it comes to the end, if you have to cross examine," he said, "The key question is, ask this question." So, I wrote it down, put it in my pocket and in we went, asked the judge for an adjournment period nicely, and, politely, and he said "No, this has been adjourned far too many times. Proceed."

I'd never [Allison chuckles] cross examined anyone in court. I'd never been in court [both laugh]. So, so we proceeded, and I did a probably terrible job cross examining the person who was suing the person I was representing. And finally, I thought, well I don't know what else to say, K pulled this piece of paper out [both chuckle], asked this question, and the judge said, "What did you say?", and I said it and a man answered, and he said to the man, "What was your answer?" and he answered, and he said, "Case dismissed" [both laugh]. So I went back, and the lawyer said, "You can write your own bill for that one." So that was...

Allison Kirk-Montgomery:

Do you remember the question?

Janet Boland:

No, no, no [both laugh]. I don't even remember what the police officer looked like.

Allison Kirk-Montgomery:

And that was the start of your career in court, was it?

Janet Boland:

Yeah, yeah [both laugh].

Allison Kirk-Montgomery:

You mentioned that your husband said, “Come on, put up your degrees.” Were other people surprised that you were a lawyer still at this point?

Janet Boland:

Well, yes, because there were so few, and they weren’t used to—I don’t think—to women lawyers at all. And I remember, particularly when I became a County Court Judge (when I became a Supreme Court Judge, by then I guess they were more used to me), but they when I was in the County Court, when I’d go in, and there’d be a huge panel, for the lawyers to choose [the jury] from. I’d walk in in my gown and get up on my podium, and the whole place would be whispering. And then, of course, in time, that stopped. I do remember another funny story. I was coming home from work about 6:00 o’clock in a taxi and the taxi driver said to me, “Why do you have a briefcase?” and I said “Well, I’m a lawyer,” and he said “Are you a real lawyer?” and I said “Yes.” And he said, “Well,” he said, “I understand all the very good lawyers in Toronto are Jewish. Are you Jewish?” and I said “No, I’m not of the Jewish faith,” and he said, “I’m an Arab, and I cannot have a Jewish lawyer.” So, he said, “Will you act for me,” and I said, “Oh, no, no, no, I’m, I’m busy.” I was at Lang Michener then. And he said, “I’m not going to let you out of the taxi if you don’t give me your card.” So, I gave him my card and he phoned me the next morning. And I turned him over to one of my partners because I wasn’t doing any corporate work. And when I went back many years later, one of my partners said, “You know, I’ve been working for a client that you got. How in the name of goodness did you ever get that client?” [Allison laughs]. So, I told him the funny story about him not letting me out of the taxi, and he said, “He’s become one of our best clients.” He said, “He’s bought many, many, many businesses and many, many big houses.” So you never knew where clients were going to spring out of.

Allison Kirk-Montgomery:

Were your clients surprised when they came into your office to find you, a woman?

Janet Boland:

I don't think so. I often went to their homes at night because they were working people, very often. They didn't seem to say that. They didn't seem surprised.

Allison Kirk-Montgomery:

Do you think that you brought a different perspective to the work being a woman? Did men go to their homes at night, clients' homes at night?

Janet Boland:

I don't know. I would think so. Yeah, I did it because I knew they couldn't come to mine. Maybe they had [to] get home for dinner. I didn't do it a lot. It was a way I got to know my clients. I kept my clients. I did a lot of work for one of the trust companies. I drew wills for them. There seemed to be a lot of clients floating around in those days [laughs].

Allison Kirk-Montgomery:

So you enjoyed that work.

Janet Boland:

Oh, yes. Yeah.

Allison Kirk-Montgomery:

And meanwhile you had one, then two, then three babies. How did you manage that work-life balance?

Janet Boland:

Yes, I have three sons, Michael, Christopher and Nicholas, and they all grew up, I think, all right. They all got into, UTS, University of Toronto Schools, and graduated. They all went to Queen's and graduated. Michael is a lawyer. Christopher has a restaurant. He's a restaurateur. Nicholas, he's a chartered accountant and, and he's with Maple Leaf Foods. And they're married, and have children. I have eight grandchildren, so I don't think they've suffered. I think the key to it was to have family support, which I did have my husband's support. He helped me. He even gave me his secretary sometimes, and, I think the other thing is, the children were never sick, and I had a good pediatrician, and if I wasn't there, he'd come. I had wonderful help. I had a wonderful Black woman named Martha who stayed with me for, I guess, 30 years, so she really took command of the children. Then I never went out at night. I always got dinner and she was there for breakfast, and then I got the dinner, and I always read to them. I didn't go out to meetings or join organizations or do anything like that. And then, on weekends, my

husband and I would do things, or we'd take the children to movies, or, you know, out to lunch or something. I don't think they suffered.

Allison Kirk-Montgomery:

You make it sound almost easy but it must have been tough.

Janet Boland:

Well, I think at that time, I had a wonderful woman, Martha, and I only paid her \$300 dollars a month. So, I can't imagine what they're doing now with their two nannies [Allison chuckles].

Allison Kirk-Montgomery:

What were you making, do you think at that time?

Janet Boland:

I don't remember [laughs]. Enough to have fun with it, to do things, I usually bought things for the house with it, or bought the children's clothes, or bought roast beef for dinner and stuff like that, or new curtains. I did things like that that I liked to do. New dress.

Allison Kirk-Montgomery:

Tell me a little bit about your husband's career then.

Janet Boland:

Johnny, John Boland, managed real estate buildings, and that's how he was able to—he had lots of people he knew who needed lawyers. He was there and he played golf. We had a very nice life and unfortunately he died and it was when I was in Supreme Court. I'd just been there a couple of months. So, that was very sad.

Allison Kirk-Montgomery:

Seventy six, was it?

Janet Boland:

It was it was '76, '77.

Allison Kirk-Montgomery:

So, you were in your own practice but then you switched to—you mentioned White, Bristol, Beck and Phipps, have I got that right?

Janet Boland:

Yeah, one of the lawyers there was a very good friend of my husband and a fraternity brother. I was in the Junior League at that time and I was in charge of all the new girls that were joining. The lawyer's wife was in my class, and so the lawyer got to know through John that I was a lawyer, and he knew I was doing real estate, so he asked me if I would search all the titles for the shopping centres that were just coming in all through Canada. I only did the ones in Ontario. And I did that—Ron Chisholm was his name. He was away one summer. One of his senior partners called me and said that the Bronfman shopping centres needed some attention and they didn't know what to do about shopping centres, did I know anything? And it was just because they had my name because I had done the titles. And I said, "Well, only through my husband. I've been to seminars in the United States. I know some American law. I know a bit about condominiums but I've only done one for a children's shop. I really don't know very much." And they said, "Well, you know more than we do." [Allison laughs] "Come on down." So, I went and I stayed there for a couple of years and I enjoyed that work. I enjoyed working with them and it was a delightful firm to work with.

Allison Kirk-Montgomery:

What was it about it that made you want to give up your own practice and go with them, though, particularly?

Janet Boland:

Well, I had suddenly had found this good help, and I always felt sort of out of things, just always doing my own practice, never going to any legal meetings or anything, and maybe it would be time to get into the profession with both feet, and I think that's why I did that. But when I went with them, I still worked on my own time. If I didn't want to go in one day, I didn't go. I was an associate, not a partner.

Allison Kirk-Montgomery:

Yes. You mentioned earlier, about the women's law association. Was it the women's law association that you joined?

Janet Boland:

Yes.

Allison Kirk-Montgomery:

And, and the Junior League. Did you have many networks or clubs that you belonged to, or?

Janet Boland:

Well, I played golf at Ancaster, in Hamilton. But, no, just the Junior League and Ancaster. That's about all. I didn't have time! [laughs].

Allison Kirk-Montgomery:

No, really. So then, Lang Michener, or am I moving too quickly?

Janet Boland:

No. Then, one of the younger partners who, I think, had once been my student at White Bristol, came to me and said, "Janet, I am going to go to Lang Michener, and I wondered if you'd like to come." And I said, "Oh, I don't think so. I'm very happy here." I said, "I always keep an open mind though." So anyway, he went over and met one of his good friends, Burke Doran, at Lang Michener, and then he talked to the partners, and they said, well, they would only take him I came, if we came as a pair, because they needed someone to do real estate. So, Bob McDermott came back and I said, "Oh, no Bob. I don't think so." And he said, "Janet, they won't take me [Allison laughs] if you don't come." So, over I went, and it was fun, because each step I was taking was a challenge, in the right direction obviously. And it was at Lang, Michener, I did real estate, and I enjoyed them. One of the things I ended up doing was Rochdale [co-operative student residence at the University of Toronto]. They had the mortgage on Rochdale and I would go up there. It was a terrible place. People would be lying on the floor [Allison laughs], and [laughs], one of the meetings that we were doing the company minutes, one of the directors, I found, was a pussycat [Allison laughs]. Then, I'd go back the next day and...

Allison Kirk-Montgomery:

You mean literally [chuckles]?

Janet Boland:

Yes [both laugh]. I'd go back the next day and say to my partners who's looking after this mortgage, "You know, I went home after that and took two showers." [both laugh]. So they just thought it was hilarious, but it was that was one of the things I did there, and I think it was helpful.

I'll never really know, but when John Turner decided to smash the glass ceiling, he found Madame Justice Van Camp, who was the excellent choice. I can't think of anybody who could have done it so elegantly and so well, and she became a great jurist. I can't imagine anyone else doing that. Because it wasn't easy, I don't think she had an easy time, she was the first one. And then I think he wanted also to put a woman on the county court. There weren't any in big firms at that point. They were all working for government or something. And so I think some of his best friends were at Lang Michener, and I think, looking over, he found that I was a senior partner there, and I think maybe that was why he chose me. I can't think of any other reason [laughs].

And anyway when he called me, I also was doing, at Lang Michener—there was a member of parliament in Ottawa, who had been in my class, and it was the National Trust and he continued his practice with mortgages on the National Trust and he was acting for the lender, and he was in Ottawa. Each time I'd do the search and I'd write to him and tell him what I needed or I'd phone him and say, "I need a quick claim," or "I need a discharge," and he'd get them for me immediately. And so he got to know me, and anyway, one day, he phoned me and said, "Janet, would you like to be a judge?" I said, "Oh, I never even thought of such a thing," and laughed. And then, at Christmas, at the time he called, I can remember, it was during dinner and we usually didn't answer the phone, but Nicky did, and said, "Mom, someone is calling you from Ottawa", and it was the lawyer, and he said, "Janet, they need some other women's names in the congress. They would like to review other names of women." And he said, "Could I put your name in?"

I said, "Well, I never thought about this. What are my chances?" He said, "Oh, probably not very good." So he said, "Would you please send me a photograph and a resume and send them by tomorrow morning." So, my husband wrote out my resume [laughs], and I looked for a picture. The only one I had, we had just come back from Austria, skiing, and [both laugh], and my passport to go on the chairlifts was all I had. I sent that in to Ottawa. So, that must have intrigued Mr. Turner too.

Anyway, a couple of days later, he [John Turner] phoned at Lang Michener, and said, "I would like to appoint you," and I said, "Oh, my gosh." I said, "I didn't think I had [laughs] much chance." And he said, "Well, I *am* going to appoint you," and I said, "Well, I can't accept until I talk to my parents and my law firm." So I quickly called Burke Doran, and talked to him, and he said "Janet, you better take it or you'll never be asked again." My family thought it was fine, and I went in, and he said, "Would you call me back by 5:00 o'clock?" I said, "I don't think I can get hold of everyone," so he said, "Would you please call me back by 9:00 o'clock tomorrow morning?" So I said, "Yes," and I got down and saw my partners at 8:00 o'clock and told them and they said, "Janet, you really should go." I phoned him at about quarter to nine and at 10:00 o'clock he was no longer the Minister of Justice! So, that was lucky [laughs].

Allison Kirk-Montgomery:

Wow, I bet you didn't sleep that night.

Janet Boland:

Well, no, I just thought, "There we go again" [both laugh].

Allison Kirk-Montgomery:

That is an amazing story. Let's just go back a bit. You became senior partner at Lang Michener, and, how was that? I mean, there were very few women partners of firms in those days.

Janet Boland:

I don't know, it was the kind of work I was doing and the amount of money I could bring in. There were four who had bigger pieces of the pie. Then, there were four of us who had the same, and it depended entirely upon what money we were bringing into the firm. I think there were 15 partners. There were 15 of us and I was in the second highest group.

And I liked it very much. It was fun. And they'd had a woman partner before too.

Allison Kirk-Montgomery:

Who was that?

Janet Boland:

She was in my class and her name was Helen.

Allison Kirk-Montgomery:

Is that Helen McKee?

Janet Boland:

Yes, yeah. I think that was her name. She had a PhD in Greek and Latin. She died quite a long time ago, and that I think that was her name. It was so long ago, I can't remember.

Allison Kirk-Montgomery:

And the Lang [in the firm name], is that a relation?

Janet Boland:

No, no. I'd met Dan Lang who was a senator at the Taylor Statten camps, and he would always tell people I was his little sister [Allison laughs]. His sister's name is Nancy, and he eventually had twins. And he called one Nancy and one Janet [both laugh]. So, no, and I think that was probably one of the reasons they were going to take me because Dan knew who I was too.

Knowing people helps sometimes, I think, rather than the devil you don't know [laughs].

Allison Kirk-Montgomery:

What other things would you attribute your success in private practice to?

Janet Boland:

I don't know [laughs]. I enjoyed it. I enjoyed the work. I worked hard always, and I always felt I was getting along well and I felt I was opening doors, like Mabel was before me.

Allison Kirk-Montgomery:

Opening doors for other people...

Janet Boland:

Opening doors for other women, and I think that's why I went to the Supreme Court. I'm not sure I would have. I really liked the County Court, but I felt, if I didn't, they won't ask another woman. You know, so you had to open doors and boy, did they open [laughs].

Allison Kirk-Montgomery:

Well, let's go back to, after John Turner called you. Now, we're in a totally different world.

Janet Boland:

Yes, we are. So I go to the County Court, and I find that most of the judges—I didn't know the judges at all—but most of the judges had been in my year at law school [Allison laughs], and it was so funny. The senior judge was a delight, and, one day, he said, "You know, Janet," he said, "When they heard a woman was being appointed, they were horrified, all the judges, and they said a woman was not going to come into their lounge." Then the first day he met me and I was sitting in the lounge, talking to all my

classmates, and he said, "That was quite for surprising for me," and I said, "Oh, well, we were all classmates." [both laugh]

Allison Kirk-Montgomery:

Who were your classmates?

Janet Boland:

I can't remember most of their names.

Allison Kirk-Montgomery:

We can, we'll put that in later.

Janet Boland:

Yeah.

Allison Kirk-Montgomery:

Do you do you think that was a huge part of your welcome, that people knew you personally?

Janet Boland:

Yes. They knew me from law school, just as being a counselor at the Taylor Statten camps I met so many, many thousands of children and people there, that you go everywhere and you meet people you know, so that, yeah, I think that was a key to a lot of the opening doors for me, yeah.

Allison Kirk-Montgomery:

We mentioned Mabel Van Camp earlier. Did you talk to her after you were appointed?

Janet Boland:

Oh, yes. Yes. Her chambers, we called them, was just next to mine. We were the only justices on the Supreme Court who had bathrooms [Allison chuckles], so, yeah, and often I'd go in and run something through with her. She was very respected by everyone.

Allison Kirk-Montgomery:

How much did your practice prepare you for being a judge?

Janet Boland:

Well, I didn't need the Latin [Allison laughs]. I think the elocution was helpful—going back to my childhood, because I learned how to throw my voice. We didn't have any microphones, you see, in the courtroom, this vast room with all these jurors sitting there had to hear you. So, I learned not to talk high, and to talk low, and loud. I think that was from elocution. And my practice, well, my practice was always challenges, there was always a lot of people who needed a lot of things, and they were always flustered or upset, and suddenly you knew how to calm them down, and so, when you went into court, you were always meeting the unexpected. But every day was different, and that's what was fun in the County Court. When I went to the Supreme Court, I was glad I'd gone because it opened another door for me and all the work was different. I never had a chance from my own small practice, to being on the Supreme Court, of ever being bored, ever.

And that was, great. I enjoyed that. One of the other people I haven't told you about that I really enjoyed on the bench, was Bertha Wilson. She also was the greatest appointment they could have possibly put on the Court of Appeal. She invited both Mabel and me—I think we were the only two from the court that she, not sure about that though—that she invited when she was sworn in in Ottawa. Bora Laskin, of course was there, and he invited me for lunch the next day, to have luncheon with him, so I'd always send him a card. I don't think I would have if he hadn't come into the wedding, you know, so it's all those little contacts, that, I think, in life, and I'm sure you've found them too, are very helpful.

Allison Kirk-Montgomery:

Mabel Van Camp's obituary—

Janet Boland:

Oh, wasn't that excellent?

Allison Kirk-Montgomery:

It was very well written, and it focused on how hard it was for her, how lonely it was for her. It wasn't lonely for you, or how do you think it was different, let's say, for you?

Janet Boland:

Well, I think we had grown up differently. And I think that she'd been in the army. She had worked in the profession, she was in family law. She knew how it was difficult it was

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going to be, and I think she just put her shoulders back and went at it. I just didn't think of it that way. She had gone ahead of me, so I think a lot of the difficulties had gone away. I certainly found it difficult, going into the dining room and having lunch, and sitting at the table with John Arnup and Arthur Martin and calling them by their first names! [Allison chuckles]. She did all that. That was the only thing I found hard. She was a great person to go in first, and I think she took all the blows and the loneliness. I was never lonely. But I had a family, you see. She wasn't married, and she didn't have children, and so she just had herself. She had many friends and she did have family, but not a husband or children. And I think that's the difference. I could go home and talk to my children [laughs].

Allison Kirk-Montgomery:

So, the social aspects were more difficult, socializing with the others on the bench, as opposed to the work itself. You didn't find that as much of a...

Janet Boland:

No, the socializing on the bench was fun.

Then there was no, there was sort of the work was set aside. No, working with them on the divisional court on the Supreme Court was great, because you sit with three judges, two others, and I enjoyed the bench, it just was different. In the County Court they were my contemporaries. In the Supreme Court, they were all senior partners in some of the biggest firms in Ontario, and, you know, very famous lawyers. John Robinette could have been there if he wanted to. My partners at Lang Michener were my own age. They were quite a bit older than I was, and I think that we were just different people. She was a far more serious person than I was too.

Allison Kirk-Montgomery:

You mentioned the feeling of responsibility that encouraged you to take the appointment when it was offered, both appointments.

Janet Boland:

Yes.

Allison Kirk-Montgomery:

Did you mentor any younger women lawyers at all, during your practice, for instance, or...

Janet Boland:

No, I got a couple of them a job at Lang Michener, and White, Bristol. I don't think I did, no. Too busy [laughs]. I had a family. Most of these other lawyers and judges didn't have a family. They were alone. But you can do it, if you have good help and your children are healthy and your family support you—I don't think you can work all night and things like that. You do sit up late at night when you're charging a jury, and for criminal cases in the Supreme Court, preparing your charge, but, by then my children were all at university and gone, and John had died, and it was just me by myself, so I could do that, and maybe that was lonelier then, you know, because I didn't have the family to talk to.

Allison Kirk-Montgomery:

But you were able to devote yourself more to work too at that point...

Janet Boland:

Yes, yeah.

Allison Kirk-Montgomery:

So that would be from about '76, '77 until, oh, I'm sorry, when did your husband die?

Janet Boland:

He died in '77.

Allison Kirk-Montgomery:

And you've been married 11 years.

So was that a more difficult leap, your second appointment, than [the one] from Lang Michener to the County Court?

Janet Boland:

Yes, I think it was. It was different. I'd learned all my criminal work when I was in the County Court.

I had an amazing experience there. Again, I wasn't given any criminal work but one day, one of the judges, Hugh Honsberger, who was a friend of mine, said, "Janet, it's the summer. I think you should take two weeks of your two weeks and do some criminal work." He said, "You'll get drug work and you'll get a couple of ounces of marijuana. You won't get anything important."

So, I said “Are you sure about that?” and he said, “Yes. Just follow the crown attorney.” The first case I had—this was on the County Court—was an accused from Hong Kong, and I didn’t know anything more about the case but I thought, well, there’s nothing to it, nothing at all, follow the Crown. [both laugh] There was no jury. I had myself, and so he was sworn in. I had just been in China. He had an interpreter, so I knew there were all different dialects, and I said to him, “Would you please put your hand up, if you understand.” And he said, “Yes,” he said he did, and he put his hand up.

So, on we went with the trial and I went out for recess. Well, first of all, there were, I think there were three FBI agents giving evidence, and I thought “My goodness. They take their marijuana seriously.” [Allison laughs] I went out for my break and came back and the whole courtroom, all the tables were filled with brown Chinese heroin, totalling about eight million dollars. And, so, I thought, “Oh my gosh,” [Allison laughs]. So anyway, I listened carefully to what the Crown was saying [laughs]. I followed what I thought was fair, and that was the key to criminal law. Criminal law is really easy for me. I’m glad I went to the Supreme Court, and the County Court with that knowledge [of civil law] because that would have been hard to learn. It was such a broad scope.

With criminal law, it was easy. There are only a few statutes, and it’s common sense, and fairness, and I just did that, and I don’t think I had more than two or three appeals the entire time, that they won. So, I think I had the key to that. But, I enjoyed the criminal, but I think I enjoyed the civil more.

Allison Kirk-Montgomery:

You did a lot of murder cases, did you?

Janet Boland:

Yeah, about 78, I guess or 80 [laughs].

Allison Kirk-Montgomery:

That’s a lot.

Janet Boland:

Yeah, and they were all, of course, with juries. I think afterwards they decided they didn’t have to have a jury. But they were tough charges especially when it came to the defence of self-defence. That was a real tough one. It just didn’t make sense the way we had to say it [laughs]. But I really enjoyed the civil trials, I think, a lot more.

Allison Kirk-Montgomery:

Why do you think?

Janet Boland:

Well, you didn't have to stay up all night [Allison laughs] putting the charge together, and the others were pretty seamy, and I found the civil more challenging, I think.

Allison Kirk-Montgomery:

Intellectually?

Janet Boland:

Yes.

Allison Kirk-Montgomery:

You mentioned seamy. Was it difficult because you were from a different background than many of the other people appearing in front of you?

Janet Boland:

No, no it was just that they were usually [laughs] drinking too much when they were murdering people [laughs]. No, no that didn't affect me. But I do remember feeling evil in the court, twice, just twice in the entire time. Once, I remember, it was a man who came in. His legs were shackled and his hands were shackled behind his back, and all he was doing was asking for an adjournment. I wasn't involved in the trial.

And I can remember the hair on my neck was beginning to curl, and I'd never felt anything like that before. It was a most amazing feeling. And that sort of shocked me a bit. And then I can remember going over to—it may have been in Kingston—I read the paper, a man who wanted to get out on bail, there wasn't very much in the papers, and it was to do with rape. So I went in and I heard the man, I didn't see there was anything to it, until the Crown attorney got up and told me why he shouldn't be let out on bail, and the Crown attorney happened to have been one of my students when I was at White, Bristol. It turned out this man had raped a baby, but I couldn't get it out of the papers. It wasn't until he told me this, and I was so shocked by that. I'd never heard of such a thing. I know that goes on now, but that was another thing that quite shocked me. I had shocks from time to time.

Allison Kirk-Montgomery:

What about the criminal bar? How did you get along with the lawyers?

Janet Boland:

Well, some of them told me I was a breath of fresh air [both laugh]. I did some different things, I think.

Allison Kirk-Montgomery:

Like what?

Janet Boland:

Well, one day they had put in conditional discharges, and I think I decided I'd like to try that on someone [both laughs]. John Hamilton, who later came to the Supreme Court, was a criminal lawyer, came in—no it wasn't, John had a different case, it was funny, I was on a motion in the County Court and he came in and I was trying to get someone out on bail, I think. I started off by saying, "Mr. Hamilton, I've read the papers, and I don't think there's anything here to waste your time and mine, going on." And he said "Well, Madame Justice, well, Your Honor, could I just tell you what I think about the case?" and I said, "Oh, of course," So, he did, and, when it came to the end, I said, "You know, Mr. Hamilton, I've changed my mind. He can go out on bail." That sort of amused him, I think. [both laugh] Then I did try to do a conditional discharge, and the lawyer at that time did become a judge, also in the Supreme Court, and at the end of it, his lawyer said, "What does that all mean?" and apparently, my son, who was sitting near them, was just watching this trial, said the lawyers said, "Never mind, let's get the hell out of here!" [both laugh]

Allison Kirk-Montgomery:

What did your sons think of you being a judge?

Janet Boland:

Oh, they were very proud. They enjoyed it. We talked law, and then one became a lawyer. And I think he enjoys his practice too.

Allison Kirk-Montgomery:

What does he practise?

Janet Boland:

He does personal injury cases and wrongful dismissals mostly.

Allison Kirk-Montgomery:

What about your father? When did your father pass on?

Janet Boland:

Oh, that was a long time ago. I had just graduated from law school.

So he knew in the end, yeah [that I would be a lawyer]. He certainly didn't know then that I was going to be a judge. Neither did I! [chuckles]

Allison Kirk-Montgomery:

No, no. You sat on the bench—I don't have it in hand—when did you step down?

Janet Boland:

I stepped down about 13 years ago.

Allison Kirk-Montgomery:

Things changed dramatically over that period.

Janet Boland:

Yeah. We now then had loud speakers, they were working with computers. There was a much bigger court, I think, and the court had merged with the County Court. So it was quite different, and I was quite happy to step down, I think. I felt that I'd met my challenges. It was time to give someone else a chance on the bench. So, I didn't mind at all. I've never missed it, I don't think much.

Allison Kirk-Montgomery

What were the challenges that you felt the most pleased about meeting?

Janet Boland:

Well, I think it was—imagine, when I went to law school, not even thinking I was going, but being pushed [Allison chuckles] to law school, and ending up on the Supreme Court and sort of the steps that went by, were unbelievable to me...

And I think it was just—I kept thinking, "What is happening to me, and isn't this exciting and challenging?" and I think it was the challenges that were pretty exciting for me.

Allison Kirk-Montgomery

One thing I wanted to ask you about too, was, your particular interest or, your ruling about joint custody. Would you like to talk about that? Baker vs. Baker?

Janet Boland:

Yes. That was one of the things I think that probably stands out as the thing I like best. When John died, the Chief Justice of the Court of Appeal and of the Trial division—the Supreme Court is divided into two divisions—came to me. They knew I had a son, 14, and that I was going to be away a lot. And so they decided that perhaps I should do something else that would keep me at home. And so they asked me if I would please do the family law. And I told them I didn't know anything about family law, except I did know about divorce. So, they sent me over to a judges' college in Nevada, to Reno, and I went over with the chief judge of the Family Court in Toronto, and one of the judges on his court. That was an amazing experience. Unfortunately, no one had anything like that in Canada.

Allison Kirk-Montgomery:

Yes, that's amazing that you'd go to Nevada, isn't it?

Janet Boland:

Yeah, it was unbelievable. They teach everything there, evidence, everything, and most of our judges do go there in the summer. But, it was a most amazing experience. One of the judges loved to gamble. So, the three of us would go over and do a little gambling at night. Pat and I would each take 20 dollars and at the end, we'd go and sit in the bar and have a rum and wait for the other one. The other one would come with money piling out of his pockets [Allison laughs]. So, it was great fun. And that's where I learned about family law. And there was a judge from Texas there. (There were judges from all across the United States and I think the three of us, we were the three Canadians.) But there were a lot of us. Anyway, he, was speaking and he said he'd come across a new principle that he would like to tell us about, and it was joint custody. So I thought it was great because I've always felt—I do agree that young babies should certainly be with their mothers unless there is a very good reason not to, because, what is in the best interest of the child, is of course, the key—but I felt that fathers were more and more getting left out of things, and a child needs both parents it's just the way children should grow up, with both parents. And if they're separated, both parents should still be in the show. So, I was looking for a case [chuckles] and along came Baker and Baker. And, when I read the papers, the little boy was about, I think he was about eight. I can't remember the case too well, but he was about eight and his mother and father had been looking after him all along. He was in court and he was a darling little boy, and seemed very well adjusted, and would sit with one, one time, and the other, the other time. The mother was a drinker, and she wanted sole custody and he wanted sole

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custody, because that's all there was. So I thought this is maybe the time to try it. So, I did. And the bar was excited. They read it at our judges' meeting and the judges thought it was great, the decision. And it took a long, long time to write it. And then it went to the Court of Appeal. And they felt that there was no such thing as joint custody. And I thought to myself, well that's the whole basis, when the child is born, the parents had joint custody. So, I didn't know where they were coming from, but I felt pretty terrible. Anyway, many people wrote to me, and said, "That's too bad, what happened."

I took my file to Bertha [Wilson], and I said, "Bertha [chuckles], someday this may come up again. Here's my file. I just want you to know where I was coming from." She didn't have children. "Here's everything I've got on it." So, anyway, there was another case that came up here, maybe within a year, and she came in with all the files and she said "Janet, I thought I had a second judge going with me, John Arnup," but she said, "In the end, he wouldn't." So, I said, "Never mind. You tried." And then, it was just shortly after that, that the government turned the whole thing around and said, "Of course, there's joint custody."

Allison Kirk-Montgomery:

Legislated it.

Janet Boland:

And now, it's used all over the world and all across Canada. But the judges wouldn't use it, you see. They were reluctant to use it anywhere else because of what our court had said. If you are a lower court, none of us could use it, because the Court of Appeal had decided. So that, I thought that was great and I think that was my best achievement [chuckles].

Allison Kirk-Montgomery:

You were a risk taker.

Janet Boland:

Yes [chuckles]. If you are a skier and if you marry Dr. Tay [Statten], you certainly are [both laugh]. He's a great adventurer, and, oh my gosh [chuckles].

Allison Kirk-Montgomery:

You remained close to Bertha [Wilson]?

Janet Boland:

Yes, yes. We would write to each other in Ottawa. She also was a good friend of Mabel's. She was a close friend of mine, and her husband.

Allison Kirk-Montgomery:

That's wonderful. After 1992, something like that, she did a report for the Canadian Bar Association about gender in the legal profession. You probably remember it, particularly about the judges, and I think she surveyed a couple of hundred women all across Canada. It was a gender equality task force. She surveyed 200 women judges and asked whether they had ever personally experienced gender discrimination. And she came out with a report that said, there was systemic discrimination. Do you remember that period?

Janet Boland:

Yes, I do. I remember her report. And I guess there was. It was a personal thing, how you personally took things. I'd be surprised if there was any anymore. They're all in big firms, there are more women at law school. It was tough for them to get a job I think, although, you see, there was Margaret Hyndman, there was Margaret Grimshaw, yeah, there were women out there doing things but they were quiet. They weren't—...

Allison Kirk-Montgomery:

And there was one, and one, and one.

Janet Boland:

Yes, yeah [chuckles]. I don't know. I guess I knew people as I was moving along, and so, that they didn't only know me from the legal point of view, and my husband knew them as fraternity brothers...

Allison Kirk-Montgomery:

Was that a protection, do you think?

Janet Boland:

Well, I don't know. I don't know. I certainly was in a man's profession, there's no doubt about it. But, I can remember, another thing that I'd perhaps forgotten, is when I was at Lang Michener I think they were going to hire a secretary for me, and the manager came in and said, "What kind of secretary do you want?" I said, "Well, hire one that will suit the firm." And so they did, he came in one afternoon and said, "I would like you to review the secretary we are looking at that we think maybe you would like." I said, "Oh, no, no, if you like him, you hire her." He said, "Well, I'm sorry, it isn't quite that way. She

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wants to interview you.” [both laugh] So, she wouldn’t come until she met me. So, the secretaries, people didn’t want to work for women. There were two angles to this thing. I always had a male reporter, when I was on the Supreme Court, which was different, I thought, I could have had a woman but I didn’t. So, maybe there was...

Allison Kirk-Montgomery:

You mean, that wasn’t by your choice, it just happened...

Janet Boland:

No, they were given to you.

Allison Kirk-Montgomery:

Somebody else gave them.

Janet Boland:

Yeah, yeah, they were given to you. So, there may be people that didn’t want to work for women judges, or women of every kind.

Allison Kirk-Montgomery:

Did you find that with the court officials too in certain, I don’t know, distancing?

Janet Boland:

No, no. I didn’t find anything from the women. Eventually, I don’t know. I just thought, I am going to be myself.

Allison Kirk-Montgomery:

That was your strategy.

Janet Boland:

Yeah. Well, it was easier [both laugh]. So, yeah, and it seemed to work. I honestly don’t remember anything. I remember the secretary *now*...

But no, I don’t ever remember ever feeling badly.

Allison Kirk-Montgomery:

So were you shocked when Bertha Wilson's report came out?

Janet Boland:

Well, I'd written mine in.

Allison Kirk-Montgomery:

She had asked you too.

Janet Boland:

Yes, and she knew me from the bench, and I think she was very lonely on the Supreme Court, and I think that's why she left. You probably know that too, because she left long before she had to.

Janet Boland:

So, she was the first one on the Court of Appeal, and the Court of Appeal was different than the trial division. So she may have felt it there. I certainly didn't feel anything other than lots of fun on the County Court, where they mentored me and taught me my criminal law and I made their sandwiches at lunch. I mean, it was probably more formal than the Supreme Court.

Inserted: Allison Kirk-Montgomery:

Do you think you're a feminist?

Janet Boland:

No [laughs]. I'm not. I'm feminine. I like frills, and jewellery and fun dresses and clothes, but I'm not a feminist. I like men but I have three sons and I've had two great husbands, and I think, I love women, I enjoy them. I'm in between. I like them both equally. I am not a feminist.

Allison Kirk-Montgomery:

Who were the people that were most important in your life in, in the legal world, while you were on the, on the bench?

Janet Boland:

Well, Greg Evans, Chief Justice Greg Evans was very supportive. I really liked him very much. Roy McMurtry, who was Attorney General, gave me my Q.C. [Allison laughs]. It was before that. Bora Laskin, who was my teacher and then...

Allison Kirk-Montgomery:

And wedding guest.

Janet Boland:

And wedding guest, and he was on the Court of Appeal when I was on the County Court, and I'd go run in and see him sometimes. And Archie O'Driscoll, who did the criminal work, and the Court of Appeal was awfully tough on him too, and he's a real peach. And of course I think then, Bertha Wilson, and all my classmates in the County Court, and of course, Arthur Martin, and John Arnup, I thought they were just great to talk to.

Allison Kirk-Montgomery:

And you could go to these people?

Janet Boland:

Oh, yes. There was nothing—there was no unfriendliness at all...

And Mabel didn't experience any unfriendliness that I could see. She was genuinely accepted, and accepted as a great jurist.

Allison Kirk-Montgomery:

What did you think of the younger generation of women from the seventies, filling the law schools and now, of course, more than 50%. Did you feel a sistership with them, or do you feel that that was a different world that they were coming into the law in?

Janet Boland:

No, I think that's why we were trying to open the doors. Maybe they opened too wide, I don't like to see men—I don't like to see the thing turned around, that men are going to have trouble in the professions. I think women should be in them, and I think 50/50 would be great. But I certainly would never tell someone that there are too many, don't do it. No, I'd always encourage people and people have spoken to me or phoned me about it. Roy McMurtry had a dinner party and he asked Greg Evans and me if we would please encourage his daughter Janet [to join the profession] [Allison laughs], and

he put her sitting beside us at dinner, and we both did, and she's ended up as a judge out in the West.

Allison Kirk-Montgomery:

That's good.

Janet Boland:

I don't think so. I think it's great that women are in. The only thing I worry about is they're having their babies so late. You know, babies when they're forty. I don't know else they can do it unless they have really good help and tremendous support.

I think, as long as they can manage. I did not turn the household over to my husband. I ran the household, which is a woman's job, and I kept my own duties as a wife, in place, and got help whenever I needed it, outside, to do the rest. And if they're doing that, and they're staying home and reading to their children I think that's great, as long as they're happy at it. I think they're certainly doing well, and there are great lawyers and I think that's exciting.

Allison Kirk-Montgomery:

What advice would you give someone, a young woman lawyer right now?

Janet Boland:

Oh, I'd say "By all means"...

Allison Kirk-Montgomery:

Do it.

Janet Boland:

Yeah, but I don't think law is for everyone by any means. I think you have to be prepared to work hard. There's now a lot of competition.

And the competition wasn't there when I was there. Now they write that exam. When I went, you could even go from high school, and there were some students in my year at Osgoode who'd never been to university and you just brought your graduating marks from high school or university and you were in law school. There was no exam...

Allison Kirk-Montgomery:

You were in, but you might not make it to the end, as you say.

Janet Boland:

They didn't.

But some of the ones who only had high school did.

So, yeah. I think it depends on the person. If you're terribly sociable, maybe you'd find law lonely. You have to work hard, but so does a doctor. You've got to get out and—for example, after I retired, I haven't found it lonely at all, because I've leaned heavily on the things I liked to do before—my golf. I became President of the women's division of the Canadian Women's Senior Golf Association. I've gone out and played in tournaments in the Bahamas, and, probably because, my scores were lower and they could use them in the tournaments [Allison laughs]. I went out to schools and spoke to students, just about what you were asking me about, and told them that law is a great profession. And my father realized, I think that, he talked to each of his daughters. He said, "It's an insurance policy. If your husband dies, or if something happens, you can be a wife, but then if you've got something to fall back on." I play duplicate bridge, but I did before.

Allison Kirk-Montgomery:

Did you manage to maintain your golf while you were on the bench?

Janet Boland:

No [both laugh]. No, no I got worse and worse. My handicap got higher and higher. And then my family, eight grandchildren, and I've travelled a lot, and then, finally and even the highlight, I guess, was marrying Tay. He is a great adventurer, and we went off to most exotic places, like the Galapagos, and Kenya and Tanzania, and the South Pacific and let's see, we went to so many places. We went to Machu Picchu, and we sailed around South America, and went to Brazil. We go to Algonquin Park throughout the summer, and again at winter for New Year's, and et cetera, etcetera. I think I've been very lucky. It's been a life of high adventure and I loved every minute with no regrets.

Allison Kirk-Montgomery:

Isn't that wonderful.

Janet Boland:

Thank you so much, Janet.